

SENATE BILL 862

E4, P3, L6

2lr2411

By: **Senator Manno**

Introduced and read first time: February 3, 2012

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Building Exteriors – Inspection and Maintenance**

3 FOR the purpose of requiring each political subdivision to adopt by regulation a
4 minimum safety inspection standard for the maintenance and inspection of
5 building exteriors; requiring the Department of Housing and Community
6 Development to adopt by regulation a General Property and Structural
7 Maintenance Code; providing that the Code does not apply to certain residential
8 structures and political subdivisions that have adopted minimum safety and
9 inspection standards for the maintenance and inspection of building exteriors;
10 authorizing the Department to authorize certain exemptions under the Code;
11 requiring the Code to include certain standards and procedures related to the
12 maintenance and inspection of building exteriors; requiring the Code to allow
13 for exceptions under certain circumstances; requiring a political subdivision to
14 enforce the Code in the political subdivision; authorizing a political subdivision
15 to charge a fee to property owners for certain inspections; providing that a
16 political subdivision may waive requirements under the Code under certain
17 circumstances; requiring the Department to decide questions of interpretation
18 regarding the Code; prohibiting a property owner from willfully violating the
19 Code; establishing certain criminal penalties and fines for a violation of this Act;
20 defining certain terms; and generally relating to the exterior maintenance and
21 inspection of certain buildings.

22 BY adding to

23 Article – Public Safety

24 Section 12–203.1

25 Annotated Code of Maryland

26 (2011 Replacement Volume)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
28 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1

Article – Public Safety

2 12-203.1.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
4 MEANINGS INDICATED.

5 (2) “AFFECTED BUILDING” MEANS A BUILDING THAT:

6 (I) IS AT LEAST 6 STORIES IN HEIGHT; OR

7 (II) HAS AN ITEM AFFIXED TO AN EXTERIOR BUILDING WALL
8 THAT IS IN EXCESS OF 60 FEET IN HEIGHT.

9 (3) “BUILDING” MEANS A PERMANENT OR TEMPORARY
10 STRUCTURE ENCLOSED WITH EXTERIOR WALLS AND A ROOF.

11 (4) “CODE” MEANS THE GENERAL PROPERTY AND STRUCTURAL
12 MAINTENANCE CODE ADOPTED BY THE DEPARTMENT UNDER THIS SECTION.

13 (5) “DEPARTMENT” MEANS THE DEPARTMENT OF HOUSING AND
14 COMMUNITY DEVELOPMENT.

15 (6) “PROFESSIONAL INSPECTOR” MEANS:

16 (I) A LICENSED PROFESSIONAL ENGINEER EXPERIENCED
17 IN THE PRACTICE OF STRUCTURAL ENGINEERING; OR

18 (II) A LICENSED ARCHITECT KNOWLEDGEABLE IN THE
19 DESIGN, CONSTRUCTION, AND INSPECTION OF BUILDINGS.

20 (7) “SAFE” MEANS THE CONDITION OF A BUILDING EXTERIOR
21 THAT DOES NOT REQUIRE REPAIR OR MAINTENANCE TO SUSTAIN THE
22 STRUCTURAL INTEGRITY OF THE EXTERIOR OF THE BUILDING.

23 (8) “SAFE WITH A REPAIR AND MAINTENANCE PLAN” MEANS THE
24 CONDITION OF A BUILDING EXTERIOR THAT IS NOT CONSIDERED TO BE UNSAFE
25 AT THE TIME OF INSPECTION, BUT WILL REQUIRE REPAIR OR MAINTENANCE
26 WITHIN A TIME FRAME DESIGNATED BY A PROFESSIONAL INSPECTOR IN ORDER
27 TO PREVENT THE DETERIORATION OF THE BUILDING INTO AN UNSAFE
28 CONDITION.

29 (9) “UNSAFE” MEANS THE CONDITION OF A BUILDING EXTERIOR
30 THAT HAS:

- 1 **(I) A BUILDING WALL:**
- 2 1. **WITH NO MEANS OF STRUCTURAL SUPPORT;**
- 3 2. **THAT IS DANGEROUS TO PERSONS OR PROPERTY;**
- 4 **AND**
- 5 3. **THAT REQUIRES IMMEDIATE REMEDIAL ACTION**
- 6 **TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE; OR**

7 **(II) ANY CONDITION THAT WAS REPORTED AS “SAFE WITH A**

8 **REPAIR AND MAINTENANCE PLAN” IN A PREVIOUS REPORT AND THAT HAS NOT**

9 **BEEN CORRECTED.**

10 **(B) EACH POLITICAL SUBDIVISION SHALL ADOPT BY REGULATION A**

11 **MINIMUM SAFETY INSPECTION STANDARD FOR THE MAINTENANCE AND**

12 **INSPECTION OF BUILDING EXTERIORS.**

13 **(C) (1) THE DEPARTMENT SHALL ADOPT BY REGULATION A**

14 **GENERAL PROPERTY AND STRUCTURAL MAINTENANCE CODE FOR THE**

15 **MAINTENANCE AND INSPECTION OF BUILDING EXTERIORS.**

16 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**

17 **SUBSECTION, THE CODE SHALL APPLY TO ANY AFFECTED BUILDING.**

18 **(3) THE CODE MAY NOT BE APPLIED:**

19 **(I) TO RESIDENTIAL STRUCTURES USED FOR HUMAN**

20 **HABITATION;**

21 **(II) IN ANY POLITICAL SUBDIVISION THAT HAS ADOPTED A**

22 **MINIMUM SAFETY INSPECTION STANDARD FOR THE MAINTENANCE AND**

23 **INSPECTION OF BUILDING EXTERIORS; OR**

24 **(III) TO ANY AFFECTED BUILDING EXEMPTED BY THE**

25 **DEPARTMENT.**

26 **(D) THE CODE SHALL:**

27 **(1) SET MINIMUM SAFETY INSPECTION STANDARDS FOR THE**

28 **MAINTENANCE AND INSPECTION OF BUILDING EXTERIORS;**

1 **(2) ALLOW FOR EXCEPTIONS AND VARIATIONS BETWEEN**
2 **POLITICAL SUBDIVISIONS IF THE DEPARTMENT DETERMINES THAT UNIQUE**
3 **LOCAL CONDITIONS JUSTIFY EXCEPTIONS OR VARIATIONS RECOMMENDED BY**
4 **POLITICAL SUBDIVISIONS; AND**

5 **(3) INCLUDE:**

6 **(I) TIME FRAMES IN WHICH AN INSPECTION OF AN**
7 **AFFECTED BUILDING MUST OCCUR;**

8 **(II) STANDARDS FOR THE CERTIFICATION OF AN AFFECTED**
9 **BUILDING AS “SAFE”, “UNSAFE”, OR “SAFE WITH A REPAIR AND MAINTENANCE**
10 **PLAN”;**

11 **(III) PROCEDURES FOR THE FILING OF A REPORT BY A**
12 **PROFESSIONAL INSPECTOR REGARDING THE STRUCTURAL CONDITION OF AN**
13 **AFFECTED BUILDING;**

14 **(IV) NOTIFICATION PROCEDURES TO BE USED BY A**
15 **PROFESSIONAL INSPECTOR TO INFORM AN OWNER OF THE CONDITION OF THE**
16 **OWNER’S AFFECTED BUILDING; AND**

17 **(V) PROCEDURES BY WHICH THE OWNER OF AN AFFECTED**
18 **BUILDING MAY APPEAL THE FINDINGS OF A PROFESSIONAL INSPECTOR.**

19 **(E) (1) EACH POLITICAL SUBDIVISION SHALL ENFORCE THE CODE**
20 **WITH RESPECT TO BUILDINGS LOCATED IN THE POLITICAL SUBDIVISION.**

21 **(2) A POLITICAL SUBDIVISION MAY CHARGE A PROPERTY OWNER**
22 **A FEE FOR AN INSPECTION MADE TO ENFORCE THE CODE.**

23 **(F) ON APPLICATION OF THE PROPERTY OWNER, A POLITICAL**
24 **SUBDIVISION MAY WAIVE THE APPLICABILITY OF THE CODE, IF THE WAIVER**
25 **WOULD NOT THREATEN THE HEALTH OR SAFETY OF THE PUBLIC.**

26 **(G) THE DEPARTMENT:**

27 **(1) SHALL DECIDE QUESTIONS OF INTERPRETATION OF THE**
28 **CODE, INCLUDING QUESTIONS THAT RELATE TO UNIFORM ENFORCEMENT BY**
29 **POLITICAL SUBDIVISIONS; AND**

30 **(2) MAY AUTHORIZE WAIVERS OR EXEMPTIONS UNDER THE CODE.**

1 **(H) (1) A PROPERTY OWNER MAY NOT WILLFULLY VIOLATE ANY**
2 **PROVISION OF THE CODE.**

3 **(2) (I) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
4 **MISDEMEANOR AND ON CONVICTION IS SUBJECT FOR EACH VIOLATION TO**
5 **IMPRISONMENT NOT EXCEEDING 3 MONTHS OR A FINE NOT EXCEEDING \$500 OR**
6 **BOTH.**

7 **(II) EACH DAY THAT A VIOLATION CONTINUES IS A**
8 **SEPARATE OFFENSE.**

9 **(3) A PENALTY IMPOSED UNDER THIS SUBSECTION IS IN**
10 **ADDITION TO AND NOT A SUBSTITUTE FOR ANY OTHER PENALTY AUTHORIZED**
11 **UNDER FEDERAL, STATE, OR LOCAL LAW.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2012.